

## REMARKS

Independent claim 24 was amended by limiting the operation of the method to a single add/drop node where the signal is launched. Basis for this amendment can be found in Fig. 2 and in claim 46. Independent claim 35 was amended by combining it with claim 46.

The Examiner relied upon the disclosure by Barnard of comparing BER(2) and BER\_fail\_(2). BER(2), however, is not a signal derived from the output of the amplifier in the *add/drop node* where the signal is launched, as required by the amended claims 24 and 35. Instead, BER(2) is derived *at the receiver* R2 (see col. 6, lines 23 - 24: "... while BER(2) is the bit error rate measured after detection of the signal at the output of receiver R2.").

Barnard fails to disclose or suggest controlling the launch power of an optical signal using only signals available within one add/drop node. Therefore, even if Barnard were combined with Weik, the resulting solution would still rely on the BER signal measured at the receiver, and not derived from the output of an amplifier *of the add/drop node* where the signal is launched.

Allowance of the claims is respectfully requested.

Accompanying Form PTO-1449 lists U.S. Patent No. 5,225,922, which is the counterpart to JP6-69891, cited during the prosecution of the corresponding case in Japan. The Rule 17(p) fee of \$180.00 accompanies this Response.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL, SCHIFFMILLER & PIERONI, P.C.  
Attorneys for Applicant(s)  
425 Fifth Avenue, 5<sup>th</sup> Floor  
New York, New York 10016-2223  
Tel: (212) 697-3750  
Fax: (212) 949-1690

/Alan ISRAEL/

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Alan Israel  
Reg. No. 27,564